

IV. Amendment of Other Civil Rights Laws to Include the Addition of Civil Remedies in the Department of Justice for their Enforcement.

In attempting to achieve the constitutional goal of respect for and observance of the civil rights of individuals, it has been, in my opinion, a mistake for the Congress to have relied so heavily upon the criminal law and to have made so little use of the more flexible and often more practical and effective processes of the civil courts. Although the Attorney General, under present statutes, can prosecute after violations of the civil rights laws have occurred, he cannot seek preventive relief in the courts when violations are threatened or, in spite of an occasional arrest or prosecution, are persistently repeated.

Criminal prosecution can never begin until after the harm is done and it can never be invoked to forestall a violation of civil rights no matter how obvious the threat of violation may be. Moreover, criminal prosecution for civil rights violations, when they involve state or local officials as they often do, stir up an immense amount of ill feeling in the community and inevitably tend to cause very bad relations between state and local officials on the one hand and the federal officials responsible for the investigation and prosecution on the other. A great deal of this could be avoided if the Congress would authorize the Attorney General to seek preventive and other appropriate relief from the civil courts in civil rights cases.

